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United States District Court
for the
Southern District of New York

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6/1/21

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Joshua Adam Schulte

Case No.

Plaintiff

(To be filled in by Clerk)

-V-

United States of America,

Warden of MCC, 10/2018 - 6/2021,

SHO Lieutenants of MCC 10/2018 - 6/2021,

Defendants.

COMPLAINT FOR VIOLATION OF
CIVIL RIGHTS (PRISONER COMPLAINT)

I. The Parties to the Complaint

A. The Plaintiff

Name: Joshua Adam Schulte

AKA: Josh

ID: 74471054

Institution: Metropolitan Correctional Center (MCC)

Address: 150 Park Row, New York, New York, 10007

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I. B. The Defendant(s)

Defendant No. 1

Name: United States of America (under the FTCA)

Defendant No. 2

Name: All wardens of the MCC, 10/2018 - 6/2021

Defendant No. 3

Name: All SHU Lieutenants of the MCC, 10/2018 - 6/2021

II. Basis for Jurisdiction

Federal Tort Claims Act for Defendant No. 1

Bivens claim for Defendants 2-3

Under Bivens, defendants violated 5th and 8th Amendments

III. Prisoner Status - Pretrial detainee

IV. Statement of Claim

During the period of October 2018 to present, defendants tortured plaintiff by prohibiting outside recreation, blocking out windows to prevent looking outside and routinely failing to take plaintiff to inside recreation as requested. Defendants violated Due Process Clause of the Fifth Amendment, because torture was imposed arbitrarily to defendant whereas all other MCC pretrial detainees are provided regular outside recreation and can look outside unobstructed windows. Defendants violated Eighth Amendment because banning outside recreation is cruel and unusual punishment — as is blocking out the windows and preventing access to indoor recreation.

II Injuries

Plaintiff sustained permanent psychological damage, and damage to health.

III Relief

Plaintiff requests the Court compel the MCC to offer Plaintiff, who is currently in permanent solitary confinement, daily outside recreation for at least one hour & the removal of window obstructions so Plaintiff can look outside like all other MCC inmates.

Plaintiff seeks monetary damages due to permanent psychological damage and damage to health. Pursuant to the FTCA Plaintiff filed with the BOP on 12/14/20 for compensation of \$1 million per day denied access to outside recreation, \$1 million per day denied ability to look outside, and \$1 million per day denied ANY access to recreation. After 6 months, the BOP never responded and accordingly Plaintiff now seeks this restitution in Court along with unspecified damages from defendants 2 and 3.

IV. Exhaustion of Administrative Remedies

Plaintiff originally filed grievances in December 2018, and appealed to central office. All administrative remedies were denied. Plaintiff additionally filed for administrative remedies in 2019, 2020 and 2021 that were all ignored. Subject matter of grievances was the same as claims herein. For copies of the initial administrative remedies, see exhibits of Motion/Petition for Writ of Habeas Corpus to Modify Conditions of Confinement, 17-cr-548 (SDNY, PAC), Dkt. 455. (Exhibit E)

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III. Previous lawsuits

NO cases dismissed based on "three strikes rule".

A. Have you filed other lawsuits dealing with the same facts involved in this action? YES (not FICA claims)

1. Parties to previous lawsuit

Joshua Adam Schulte v. Attorney General of the United States, et al.

2. Court: SDNY

3. Docket: 19-CV-3346-PAC

4. Judge: Paul A. Crotty

5. Approximate date of filing: 4/12/19

6. Case status - Administratively Closed

7. Result of case - Judge Crotty administratively closed the case until the criminal case was resolved so the issues would then be moot.

C. Have you filed other lawsuits relating to conditions of confinement?

YES.

1. Parties to previous lawsuit:

Joshua Adam Schulte v. Bureau of Prisons, et al

2. Court: SDNY

3. Docket: 20-CV-2795-PGG-GWG

4. Judge: Gorodope, Magistrate Gorenstein

5. Approximate date of filing: 5/2020

6. Case status - Pending discovery

7. Result of case - Pending discovery

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Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of Signing: 6/1/21

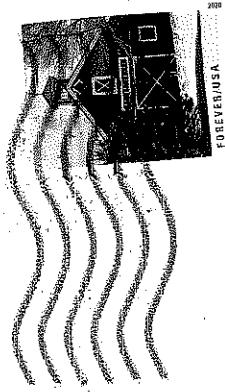
Signature of Plaintiff: Joshua Schulte

Printed Name of Plaintiff: Joshua Schulte

Prison ID #: 7947054

Prison address: MCC

150 Park Row
NY NY 10007



Tobish Schulte #74471054
158 Park Row
NY NY 10007

NEW YORK CITY
3 JUN 2021 FROM 146

ATTN: New Complaint for Violation of Civil Rights

P.O. Se Trake office

United States District Court for the S.D.N.Y.
560 Pearl Street
New York
NY NY 10007

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